

WESTERN DISTRICT OF VIRGINIA

CLERK'S OFFICE U.S. DIST. COURT  
AT CHARLOTTESVILLE, VA  
FILED

OCT 04 2021

JUAN C. DUDLEY, CLERK  
BY: *John C. Dudley*  
DEPUTY CLERK

Elizabeth Sines, et al

## Plaintiffs

v

Case No: 3:17-cv-072-NKM

Jason Kessler, et al

## Defendants

SECOND AND EMERGENCY MOTION TO EXTEND ALL TRIAL AND

PRETRIAL SCHEDULE DATES BY TWELVE MONTHS AND TO REOPEN

## DISCOVERY

Comes now the Defendant, Christopher Cantwell, and, he Moves this Court for the Second time to Extend All Trial and Pretrial Schedule Dates By Twelve Months And To Reopen Discovery. In support, he states as follows:

- 1) On September 2, 2021, Cantwell mailed to the Court by certified mail #7021 0350 0000 6940 9720 his first motion to extend the trial and pretrial dates in this matter by twelve months based on the fact that Plaintiffs did not serve him with all discovery in this matter, that he has not received all of Plaintiffs' legal pleadings in this matter, and, that the US Marshals Service ("USMS") and Bureau of Prisons ("BOP") have denied him access to what material he has received so that he has not been able to fully and fairly litigate this matter and cannot prepare for trial.
  - 2) As of today, September 21, 2021, certified mail #7021 0350 0000 6940 9770 has been "out for delivery" since September 11, 2021, and has apparently neither reached the Court nor been docketed.
  - 3) As per the attached Second Sworn Declaration Of Christopher Cantwell

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as to Extension of Time, Cantwell's situation has not materially improved.

- 4) Cantwell has recently filed a list of objections to the Plaintiffs' witness list. He has not received any Defendants' witness lists, and, he has not received Plaintiffs' proposed exhibits. Cantwell has also moved to exclude from trial depositions of several persons whom he can now aver he was not timely noticed regarding their depositions. Generally, about 80% of the Plaintiffs' witnesses were not disclosed and are barred from testifying at this time. Further, if Cantwell knew what the Plaintiffs' proposed exhibits were, he would be making similar objections to their admissibility.
- 5) Because Cantwell has been deprived of discovery, not served with most of the legal filings in this matter since January 2020, and, not noticed of Plaintiffs' witnesses and exhibits, this Court cannot lawfully allow this matter to go to trial against Cantwell. Either the jury will have to be instructed that almost all of the evidence and testimony is not admissible against him, this Court will have to dismiss him as a Defendant, this matter will have to be continued, or, any judgment entered adverse to him will not survive appeal.

Thus, for good cause shown, Cantwell moves this Court to grant his Second and Emergency Motion To Extend All Trial And Pretrial Schedule Dates by Twelve Months And To Reopen Discovery.

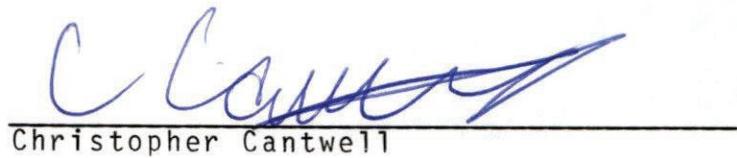
Respectfully Submitted,

  
\_\_\_\_\_  
Christopher Cantwell  
USP-Marion  
PO Box 1000  
Marion, IL 62959

CERTIFICATE OF SERVICE

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I hereby certify that this Second And Emergency Motion To Extend All Trial And Pretrial Schedule Dates By Twelve Months And To Reopen Discovery was mailed to the Clerk of the Court for posting upon the ECF, to which the other parties are subscribed, 1st Class Postage prepaid, and, handed to USP-Marion staff members Nathan Simpkins and/or Kathy Hill for electronic transmission to the Court this 24th day of September, 2021.



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Christopher Cantwell